

**DEMURRER TO
BURNS MEN
INDICTMENT
OVERRULED**

Attorneys for
Defendants

Agree to Go to Trial
Early in
December

Judge Ben H. Hill, of Fulton Superior Court, Thursday morning overruled the demurrer to the indictment of Dan S. Lehon, C. C. Tedder and Arthur Thurman, on the charge of subornation of perjury in connection with the Frank Case.

Lehon is the Burns lieutenant who worked with Burns in the Frank Case. Tedder is the former bailiff of Attorney William M.

Smith, and worked with the Burns Agents. Thurman is an Atlanta Attorney. They were indicted several months ago, and the demurrer filed by their Attorneys was argued before Judge Hill on Wednesday.

After Judge Hill rendered his decision, the Attorneys for the defendants agreed with Solicitor Dorsey to go to trial early in December, the defendants reserving the right, in the event of a conviction, to appeal both the conviction and Judge Hill's decision on the demurrer to the Supreme Court at the same time, thereby saving several months which would be consumed in a separate appeal.

The defendants are represented by Judge Arthur G. Powell, of New Orleans, the latter being the former District Attorney in that City.

The principal ground set up in the demurrer was that a murder charge cannot be defended with an admission by a person other than the defendant that he committed the murder. Therefore, that the Affidavit of Rev. C. B. Ragsdale, in which he alleged he overheard Jim Conley confess to the murder of Mary Phagan, was totally foreign to the Frank Case and not admissible as evidence, so that Ragsdale could not have perjured himself nor could the defendants have suborned his perjury.

The Attorneys for the Defendants in setting up this ground of demurrer took advantage of the wording of the indictments as drawn by Solicitor Dorsey, wherein the indictments charged them with "subornation of perjury in connection with the Frank Case."